REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 18, 30, and 38 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier.

After amending the claims as set forth above, claims 1-25 and 27-53 are now pending in this application.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1-16, 18-25, 27-28, 30-48, and 50-53

On page 2 of the Office Action, claims 1-16, 18-25, 27-28, 30-48, and 50-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stewart (U.S. Patent No. 6,970,927) in view of Bade (U.S. Patent No. 6,778,837).

Independent claim 1 has been amended to recite a combination including, among other limitations,

> determining the location of a network user node;
>
> selecting a single level of security from a group of more than two security levels based on the determined location, . . . ;
>
> modifying the security protection for the network user node based upon the selected level of security;
>
> . . .
>
> *wherein the determined location and the security protection for the network user node are updated continuously.*

The above limitations are not taught or suggested by the cited references. More specifically, the cited references fail to teach or suggest "*wherein the determined location and the security protection for the network user node are updated continuously*," as recited in independent claim 1.

For example, Stewart is directed to a "distributed network communication system which provides different network access features," Stewart, Title, and discloses a "network communication system 100 [that] may provide information and/or services to the user based at least partially on the known geographic location of the user." Stewart, col. 8, lines 26-30. Stewart appears to be primarily concerned with providing different access levels to users of a network system: "In one embodiment, a user may have a different access or privilege level for each network provider to which the user is subscribed. This stored access level information may be used to selectively allow user access to different parts of the network." Stewart, col. 10, lines 33-37. However, Stewart does not appear to teach or suggest continuously updating a determined location and the security protection for a network user node, as in independent claim 1. Rather, Stewart discloses granting different access levels to users (e.g., as part of initiating a connection to a network). Granting different access levels to users, as in Stewart, does not teach or suggest continuously updating a determined location and security protection for a network user node, as in claim 1.

Bade also fails to teach or suggest the limitations of claim 1. Bade is directed to a "system and method for providing access to mobile devices based on positional data," Bade, Title, and discloses a "mobile device 104" that includes "a positional authenticator 218 that controls and authenticates access rights to the mobile device 104 based on predefined parameters set by the user 102 or manufacturer or by real-time criteria received from the Internet 210." Bade, col. 3, lines 46-56. However, Bade, like Stewart, appears to be primarily concerned with providing access to the mobile device 104, such that access is provided or denied "depending on the predefined parameters and the location of the mobile device *at the time access is requested*."

Bade, col. 3, lines 59-61. Bade does not appear to address continuously updating a determined location and security protection for a network user node, as in claim 1.

Accordingly, independent claim 1 is believed to be patentable over the cited references. Withdrawal of the rejection of independent claim 1, and corresponding dependent claims 2-16, is respectfully requested.

Independent claims 18, 30, and 38 have been amended to include limitations similar to those discussed with respect to independent claim 1. For example, independent claim 18 recites a combination including, among other limitations,

> wherein the location of the network user node and the security protection for the network user node are updated continuously.

Independent claim 30 recites a combination including, among other limitations,

> wherein the physical location information and the security protection for the network user node are updated continuously.

Independent claim 38 recites a combination including, among other limitations,

> wherein the physical location and the performance of security modifications for the network user node are updated continuously.

Independent claims 18, 30, and 38 are believed to be patentable for at least the same reasons that claim 1 is patentable. Withdrawal of the rejection of independent claims 18, 30, and 38, and corresponding dependent claims 19-25, 27-28, 31-37, 39-48, and 50-53, is respectfully requested.

Claims 17, 29, and 49

On page 10 of the Office Action, claims 17, 29, and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stewart in view of Bade and further in view of Rusch (U.S. Patent No. 6,801,777).

Claims 17, 29, and 49 depend from independent claims 1, 18, 38, respectively. As discussed above, claims 1, 18, and 38 are believed to be patentable over the combination of Stewart and Bade. Rusch does not appear to cure the deficiencies of Stewart and Bade with respect to independent claims 1, 18, and 38. Accordingly, independent claims 1, 18, and 38, and corresponding dependent claims 17, 29, and 49, are believed to be patentable over the cited references.

Claims 17, 29, and 49 are believed to be further patentable over the cited references because Rusch teaches away from the suggested combination of references: "It is improper to combine references where the references teach away from their combination." See MPEP § 2145 (citing In re Graselli, 713 F.2d 731, 743, 218 USPQ 768, 779 (Fed. Cir. 1983)). Rusch is directed to a "device and method for intelligent wireless communication selection," see Rusch, Title, and discloses various problems with devices that are not able to transition between wireless neworks, such as a network utilizing a CDMA link and a wireless local area network (WLAN):

> One problem with current wireless communications is that a user is typically dependent on a single radio interface which communicates over a wireless link that is easily lost when travelling out of range or in a null coverage area, or lost due to congestion. Although other communication networks may be available, the radio interface is not able to make use of these other networks. For example, a device communicating with a network utilizing a code division multiple access (CDMA) link may not be able to transition to another network such as a wireless local area network (WLAN) when the CDMA link becomes unavailable. Although some wireless devices may implement more than one transceiver for communicating with different communications networks, these devices do not readily transition between the transceivers, nor do they exhibit flexibility in assessing the worth of the network.

Rusch, col. 1, lines 24-40.

Thus, Rusch emphasizes the problems with devices that are not able to transition between wireless neworks, such as a network utilizing a CDMA link and a wireless local area network

(WLAN), and teaches away from utilizing such devices. The devices and methods disclosed in Stewart and Bade do not appear to be able to perform transitions such as those discussed in Rusch. Accordingly, Rusch teaches of away from the combination suggested by the Examiner, and claims 17, 29, and 49 are believed to be further patentable over the cited references.

* * *

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date ____/11-11-2008/_____   By ____/Matthew J. Swietlik/_____

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